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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,377

05/05/2006

Bei Wang

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2455

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,377	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Bharat N. Barot	<b>Art Unit</b> 2455	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/13/2010 &amp; 03/10/2010</u> .                             | 6) <input type="checkbox"/> Other: _____                          |

**RESPONSE TO AMENDMENT**

1. Claims 1-16 remain for further examination.

**The new grounds of rejection**

2. Applicants' amendments and arguments with respect to claims 1-16 filed on March 01, 2010 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 102(e)**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 9-11, and 14-16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Ikezoye et al (U.S. Patent No. 7,500,007). Ikezoye's patent meets all the limitations for claims 1, 4-6, 9-11, and 14-16 recited in the claimed invention.

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5. As to claim 1, Ikezoye et al teach an optical disc playing method (see abstract and figures 3-5), comprising: receiving a command from an user, which requires playing a part of content of a program contained on an optical disc (figure 3, and column 10 lines 8-18); sending a request which requires to provide related information of the part of content; receiving the related information (figure 3, and column 10 lines 25-54); and playing the part of content in synchronization with the received related information (figures 1 and 3, column 5 lines 1-17, and column 7 line 50 to column 8 line 14).

6. As to claims 4-5, Ikezoye et al teach that the information corresponding to the part of content includes the audio information and the caption information (column 3 lines 1-8, column 4 line 23 to column 5 line 6, and column 10 lines 55-65).

7. As to claims 6 and 9-10, they are also rejected for the same reasons set forth to rejecting claims 1 and 4-5 above, since claims 6 and 9-10 are merely an apparatus for the method of operations defined in the method claims 1 and 4-5.

8. As to claim 11, Ikezoye et al teach a method for transferring downloaded information during playing (figure 5, and column 5 lines 1-17), comprising: receiving a downloading request which requires downloading information corresponding to a part of content of a program contained on an optical disc; identifying the part of the content in the downloading request (figure 3, and column 10 lines 25-64); and outputting the information corresponding to the part of content of the downloading request in

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synchronization with the part of content (figures 1 and 3, column 5 lines 1-17, and column 7 line 50 to column 8 line 14).

9. As to claim 14, Ikezoye et al teach that searching the information corresponding to the part of content of the downloading request (figure 5, and column 11 lines 45-67).

10. As to claims 15-16, they are also rejected for the same reasons set forth to rejecting claims 4-5 above, since claims 15-16 do not teach or define any new limitations than above claims 4-5.

#### **Claim Rejections - 35 USC § 103(a)**

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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12. Claims 2-3, 7-8, and 12-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ikezoye et al (U.S. Patent No. 7,500,007) in view of Klemets et al (U.S. Patent No. 7,451,229).

13. As to claims 2-3, Ikezoye et al do not teach that the part of content of a program contained on the optical disc includes a part of content corresponding to a play-list and the request includes a language selected by the user.

Klemets et al teach that the part of content of a program contained on the optical disc includes a part of content corresponding to a play-list (figure 3; and column 6 line 55 to column 7 line 23) and the request includes a language selected by the user (figure 1; and column 7 line 65 to column 8 line 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Klemets et al stated above in the method of Ikezoye et al for playing optical disc because it would have improved control for optical disc player and increased efficiency and utilization of the optical disc player by serializing of the data.

14. As to claims 7-8, they are also rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 7-8 are merely an apparatus for the method of operations defined in the method claims 2-3.

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15. As to claims 12-13, they are also rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 12-13 do not teach or define any new limitations than above claims 2-3.

### **Response to Arguments**

16. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

### **Additional Reference**

17. The examiner as of general interest cites the following reference.

- a. Newnam et al, U.S. Patent No. 7,668,928.

### **Contact Information**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

May 26, 2010